

AMENDED IN SENATE MAY 25, 2004

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1166

Introduced by Senator Chesbro

February 2, 2004

~~An act to add Section 4217 to the Government Code, relating to public works. An act to amend Section 23009 of the Business and Professions Code, relating to alcoholic beverages.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Chesbro. ~~Public works—Alcoholic beverages: license.~~

Under the Alcoholic Beverage Control Act, a licensee is authorized to sell alcoholic beverages in accordance with a license issued by the Department of Alcoholic Beverage Control. The act defines a licensee as any person holding a license issued by the department.

This bill would define a licensee as any individual holding a license, permit, or any other authorization issued by the department.

~~Existing law requires every operator of a subsurface installation, except the Department of Transportation, to be a member of a regional notification center. A regional notification center provides advanced warning of excavations or other work close to existing subsurface installations for the purpose of protecting those installations from damage.~~

~~This bill would authorize a design professional, defined as a person holding a valid professional engineer's license or a valid professional land surveyor's license, to obtain the marking of the location of subsurface installations through the appropriate regional notification~~

center, if the design professional is retained to perform a fixed work, geotechnical engineering, soils engineering, or land surveying, and needs to know the location of subsurface installations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~ Section 4217 is added to the Government Code,
2 ~~SECTION 1.~~ Section 23009 of the Business and Professions
3 Code is amended to read:

4 23009. “Licensee” means any ~~person~~ individual holding a
5 license, permit, certification, or any other authorization issued by
6 the department.

7 to read:

8 ~~4217.~~ (a) A design professional may obtain marking of
9 subsurface installations as provided in Section 4216.3, if either of
10 the following apply:

11 (1) The design professional is retained to prepare or assist in the
12 preparation of plans and specifications for a fixed work, and the
13 design professional is contracted to or required to show the
14 location or approximate location of subsurface installations.

15 (2) The design professional is retained to perform geotechnical
16 engineering, soils engineering, or land surveying and the design
17 professional needs to know the location or approximate location
18 of subsurface installations to perform geotechnical engineering,
19 soils engineering, or land surveying.

20 (b) The design professional shall, if practical, delineate in
21 white paint or other suitable color, the area to be marked. The
22 design professional shall thereafter notify the appropriate regional
23 notification center not less than 10 days prior to the date for
24 marking the subsurface installation. The design professional shall
25 provide his or her registration or license number, the name of the
26 design professional’s client, and the date of the contract with the
27 client. The appropriate regional notification center shall notify the
28 operator or operators who have one or more subsurface
29 installations within the area delineated for marking, and those
30 operators shall mark their subsurface installations using the color
31 code provided for in Section 4216.3.

~~(c) The regional notification center shall assign an inquiry identification number to every design professional who contacts the center and requests marking. The inquiry identification number shall be valid for the period specified in Section 4216.2. The assignment of a valid inquiry identification number to a design professional does not excuse an excavator from providing a timely inquiry to the appropriate regional identification center pursuant to Section 4216.2. The form assigning the inquiry identification number to a design professional shall be different in color from the form assigning the inquiry identification number to an excavator pursuant to subdivision (c) of Section 4216.2.~~

~~(d) The design professional shall pay two hundred fifty dollars (\$250) to the regional notification center for each request that results in marking the location of subsurface installations. The two hundred and fifty dollars (\$250) fee will cover all the markings included in the request.~~

~~(e) For purposes of this section, a “design professional” means a person holding a valid professional engineer’s license issued pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or a person holding a valid professional land surveyor’s license issued pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.~~

~~(f) Nothing in this section shall be construed to subject a design professional to the liabilities applicable to an excavator pursuant to this article.~~

~~(g) Except as otherwise expressly provided, nothing in this section shall change the responsibility or liability of an operator, a state agency, a local agency, or an excavator for the activities undertaken to mark or locate subsurface installations.~~

~~SEC. 2. This act shall become operative on January 1, 2006.~~